

CHAPTER 129.

LEGALIZING CERTAIN TRANSFERS BY SIOUX CITY & ST. PAUL, AND
WORTHINGTON & SIOUX FALLS R. R.

H. F. 466.

AN ACT Legalizing Certain Transfers Made by the Sioux City & Saint Paul Railroad Company and the Worthington & Sioux Falls Railroad Company of Iowa to the Saint Paul & Sioux City Railroad Company.

Be it enacted by the General Assembly of the State of Iowa:

Transfer of
franchise to
St. Paul & S. C.
legalized.

SECTION 1. That the purchases, contracts and conveyances, made in transferring the railroad and franchises of the Sioux City & Saint Paul Railroad Company, and the railroad and franchise of the Worthington & Sioux Falls Railroad Company of Iowa to the Saint Paul & Sioux City Railroad Company, a corporation organized and operating railroad in Minnesota, and operating the first named railroads in this state, and the acts of the boards of directors of the respective companies in relation thereto, be and the same *is* [are] hereby ratified and confirmed, and the title thereby acquired and intended to be acquired by such transfers is in all respects legalized and made valid.

Approved, March 25, 1880.

CHAPTER 130.

IN RELATION TO EVIDENCE BEFORE GRAND JURIES.

H. Fs. 313
and 316.

AN ACT to Amend Sections 4248 and 4273, and to Repeal Sections 4289 and 4293 of the Code, and Enact Substitutes Therefor: in Relation to Evidence Before Grand Juries.

Be it enacted by the General Assembly of the State of Iowa:

Code, § 4248
amended.

SECTION 1. That section number 4248 of the Code be amended by inserting after the word "answer," in the fifth line of said section, the following words, to-wit: "when required in the further progress of cause;" and that he will not evade or attempt to evade the service of a subpoena.

Code, § 4273
amended.

SEC. 2. That section number 4273 of the Code be amended by adding to said section the following words, to-wit: "or upon the minutes of evidence given by witnesses before a committing magistrate."

SEC. 3. That section 4289 of the Code be and the same is hereby repealed, and the following is enacted in lieu thereof:

Code, § 4289 repealed and substitute enacted: may find indictment on papers laid before it.

SEC. 4289. All the papers and other matters of evidence relating to the arrest and preliminary examination of the charge against defendants who have been held to answer, returned to the court by magistrate, shall be laid before the grand jury, and shall be competent evidence upon which an indictment may be found, if the grand jury *are* [is] satisfied that such evidence alone, or with other evidence, if unexplained, would warrant a conviction by the trial jury; and the grand jury need not have before them for examination any witness who was examined before the committing magistrate and a minute of whose evidence has been returned by said magistrate, unless requested by the district attorney. And if indictment is found in whole or in part upon the minutes of evidence taken before a committing magistrate, the clerk of the grand jury shall write out a brief minute of the substance of such evidence, and the same shall be returned to the court with the indictment. If, upon investigation, the grand jury refuses to find an indictment, it shall return all of said papers to the court, with an indorsement thereon, signed by the foreman, to the effect that the charge is dismissed, and thereupon the court must order the discharge of the defendant from custody if in jail, or the exoneration of the bail, if bail be given, unless the court should, upon good cause shown, be of opinion that the charge should be again submitted to the grand jury, in which case the defendant may be continued in custody, or on bail, until the next term of the court.

SEC. 4. That section 4293 of the Code be repealed and the following enacted in lieu thereof:

Code, § 4293 repealed and substitute enacted: names of witnesses must be indorsed on indictment and filed by clerk.

SEC. 4293. When an indictment is found the names of all witnesses, on whose evidence it is found, must be indorsed thereon before it is presented to the court, and the minutes of the evidence of such witnesses must be presented with the indictment to the court, and filed by the clerk of the court and remain in his office as a record; but the minutes of evidence shall not be open for the inspection of any person except the judge of the court, the district attorney or his clerk, the defendant and his counsel, or the clerk of such counsel; and the clerk of the court must, within two days after demand made, furnish the defendant or his counsel a copy thereof without charge, or permit the defendant's counsel or the clerk of such counsel to take a copy.

SEC. 5. That when a [on] demurrer, motion to set aside, or otherwise, an indictment is held insufficient, and an order is made to re-submit the case to the same or other grand jury, or where the grand jury *have* [has] ignored a bill and the same has been ordered back to the same or other grand jury for further investigation, it shall be unnecessary to summon the witnesses again before such jury in such cases, but the minutes of the testimony returned with the defective indictment, or ignored bill, or information, shall be detached and returned to the grand jury, and thereupon, without more, such grand jury may find a bill and attach said

When case has been re-submitted, unnecessary to call the witnesses again.

minutes of the evidence thereto and return said indictment therewith into court in the usual manner; and the grand jury may also, in either case, take additional testimony.

Repealing
clause.

SEC. 6. All acts and parts of acts inconsistent with this act are hereby repealed.

Publication.

SEC. 7. This act, being deemed of immediate importance by the general assembly, shall take effect on and after its publication in the Iowa State Register and Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved, March 25, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register* and *Iowa State Leader*, April 1, 1880.

J. A. T. HULL, *Secretary of State*.

CHAPTER 131.

SUBDIVISION OF INDEPENDENT SCHOOL DISTRICTS.

Sub. H. F. 131. AN ACT Repealing Section 1, Chapter 133, of the Acts of the Seventeenth General Assembly, and Enacting a Substitute Therefor.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section 1, chapter 133, of the acts of the seventeenth general assembly be and the same is hereby repealed, and the following enacted as a substitute therefor:

Districts may be
divided or part
detached.

SEC. 1. That any independent school district, organized under any of the laws of this state, may subdivide, for the purpose of forming two or more independent school districts, or have territory detached to be annexed with other territory in the formation of independent district or districts, and it shall be the duty of the board of directors of said independent district to establish the boundaries of the districts so formed, the districts so formed not to contain less than four government sections of land each: This limitation shall not apply when, by reason of a river, or other obstacle, a considerable number of pupils will be accommodated by the formation of a district containing less than four sections, or where there is a city, town, or village within said territory, of not less than one hundred inhabitants, and in such cases the independent districts so formed shall not contain less than two government sections of land, such subdivision to be affected [effected] in the manner provided for in sections 2, 3, and 4 of this chapter: *Provided*, That where either of the districts so proposed to be formed contains less than four government sections, it shall require a majority of the votes of each of the proposed districts to authorize such subdivision.

Board of direc-
tors shall estab-
lish boundaries.

When may be
formed of less
than four sec-
tions.

Proviso.